

MEDIATION PILOT PROJECT
For
Post Settlement Medical Fee Disputes

1. What is the Mediation Program for Post Settlement Medical Fee Disputes and what is the purpose?

The Mediation Program is an informal but structured process intended to assist parties in resolving workers' compensation medical fee disputes quickly and simply.

2. Who will my mediator be?

A Kentucky Workers' Claims' Administrative Law Judge will act as mediator.

3. How does the mediation work?

The conference begins with both parties explaining the relevant facts identifying the dispute. The ALJ mediator then facilitates the process of identifying possible solutions that are acceptable to all parties. The mediator does not tell them what to do, or make a judgment about who's right and who's wrong. The parties, not the mediator, determine the solution.

4. How long does mediation take?

The mediation may take about an hour on average.

5. Who pays for this mediation?

There is no charge for mediation.

6. What are the benefits of this mediation?

Cases are handled quickly: A mediation session can bring settlement negotiations 'to a head' much more quickly than if the case proceeds to a hearing.

Litigation expenses are reduced: Mediation helps parties take every step possible to settle a case before it goes to a hearing. While a result cannot be guaranteed in any particular case, mediation is generally a cost-effective way to handle disputes.

Communication is improved: Mediation is particularly appropriate where the disputing parties will have to work together after the dispute is settled. Mediation allows the parties to stay on the best terms possible by doing everything they can to settle their dispute quickly and avoid litigation.

6. What do I need to bring with me to the mediation?

You should bring any documentation that you feel is relevant to the issues you will be addressing. For example, bring along copies of your unpaid medical bills pertaining to the medical fee dispute, and any related correspondence and treatment notes you have.

7. Where will the mediation take place?

Mediations will take place at one of Kentucky's Office of Workers' Claims' sites that is in your geographic region. Parties will be notified in writing of the place, date and time of the mediation.

8. Do I (the claimant) have to appear when I am ordered to attend a mandatory mediation?

Yes. You are required to show up at the scheduled place and time. It is important to the mediation process that the claimant be present. In addition, an insurance company representative (or TPA or attorney, as appropriate), with full authority to resolve the issues at hand, must be present.

You (the claimant) fulfill your obligation under the order by showing up in good faith to try and mediate your dispute. You are not required to reach an agreement and you still maintain your right to a judicial determination (hearing) if no agreement is reached.

9. What happens if parties cannot reach an agreement during mediation?

If parties cannot reach an agreement, then the case will be scheduled for the Frankfort Motion Docket before a different Administrative Law Judge, who will make a ruling on the case.

10. What if I need to reschedule the mandatory mediation date?

For serious illness or other extraordinary circumstances, call your Office of Workers' Claims Specialist or the assigned Administrative Law Judge's office to discuss the situation.

11. Do I (claimant) need an attorney?

You are not required to have a lawyer and can represent yourself. It is your decision whether to hire an attorney.

12. Will mileage be paid for travel relating to the mediation.

No, travel will not be paid.

